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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,532	02/09/2001	Masamichi Ito	862.C2111	5761
5514	7590	05/19/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			TRAN, THAI Q	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/779,532	Applicant(s) ITO ET AL.	
	Examiner Thai Tran	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4, 5, 7-9, 11, 14-15, 17-20, 23, 26-30, 33, and 36-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Okada et al (US 2004/0264947 A1).

Regarding claim 1, Okada et al discloses an image processing apparatus (Fig. 41) for reproducing a recorded digital data stream, comprising:

~~determination means determining whether object having a predetermined~~
attribute exists the recorded digital data stream (marking cells disclosed in page 35, paragraph #0669; generating a program chain disclosed in page 35, paragraph #0673; and playing back the cells based on the program chain disclosed in page 35, paragraph #0673); and

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reproducing means for changing a reproducing form of when said object having the predetermined attribute exists (playing back the cells based on the program chain disclosed in page 35, paragraph #0673).

Regarding claim 4, Okada et al discloses the claimed wherein said reproducing means does not display the object in reproducing the object having the predetermined attribute (playing back the cells based on the program chain disclosed in page 35, paragraph #0673).

Regarding claim 5, Okada et al discloses the claimed wherein the predetermined attribute includes a real-time information attribute which is significant in recording digital data stream (time code disclosed in page 35, paragraph #0669).

Regarding claim 7, Okada et al discloses a display device (Fig. 1) for receiving and displaying digital data reproduced by a reproducing device, comprising:

determination means determining whether object having a predetermined attribute exists digital data (marking cells disclosed in page 35, paragraph #0669; generating a program chain disclosed in page 35, paragraph #0673; and playing back the cells based on the program chain disclosed in page 35, paragraph #0673); and

changing a display form of object and displaying the object when said determination means determines that the object having the predetermined attribute exists (playing back the cells based on the program chain disclosed in page 35, paragraph #0673).

Regarding claim 8, Okada et al discloses the claimed wherein said display control means does not display the object in reproducing the object having the

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predetermined attribute (playing back the cells based on the program chain disclosed in page 35, paragraph #0673).

Regarding claim 9, Okada et al discloses the claimed wherein the predetermined attribute includes a real-time information attribute which is significant in recording the digital data (time code disclosed in page 35, paragraph #0669).

Method claims 11 and 14-15 are rejected for the same reasons as discussed in apparatus claims 1 and 4-5.

Regarding claim 17, Okada et al discloses an image processing apparatus (Fig. 1) for reproducing a recorded digital data stream, comprising:

determination means determining whether an object having a predetermined attribute exists recorded digital stream (marking cells disclosed in page 35, paragraph #0669; generating a program chain disclosed in page 35, paragraph #0673; and playing back the cells based on the program chain disclosed in page 35, paragraph #0673);

designation means for designating reproducing form of the object having the predetermined attribute from a plurality of reproducing forms (playing back the cells based on the program chain disclosed in page 35, paragraph #0673); and

reproducing control means for reproducing an image corresponding object having the predetermined attribute reproducing form designated by said designation means when said determination means determines that the object having the predetermined attribute exists (playing back the cells based on the program chain disclosed in page 35, paragraph #0673).

Regarding claim 18, Okada et al discloses the claimed wherein the reproducing form designated by said designating means includes reproducing by using an icon corresponding to the predetermined attribute (icons shown in Fig. 42).

Regarding claim 19, Okada et al discloses the claimed wherein the reproducing form designated said designation means using an audio object (audio video file (AV file) disclosed in page 35, paragraph #0669).

Regarding claim 20, Okada et al discloses the claimed wherein the reproducing form designated by said designation means includes non-display of the object having the predetermined attribute (playing back the cells based on the program chain disclosed in page 35, paragraph #0673).

Regarding claim 23, Okada et al discloses the claimed wherein said designation means comprises:

instruction means (graphics data displayed on the TV monitor 72 shown in Fig. 42, page 33, paragraph #0635); and

means (marking cells disclosed in page 35, paragraph #0669) for changing a set value for designating the reproducing form in accordance with instruction operation of said instruction means.

Regarding claim 26, Okada et al also discloses the claimed wherein designation by said designation means can be executed during reproducing of the object having the predetermined attribute (playing back the cells based on the program chain disclosed in page 35, paragraph #0673).

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Method claims 27-30, 33, and 36 are rejected for the same reasons as discussed in apparatus claims 17-19, 23, and 26, respectively.

The computer-readable recording medium claim 37 is rejected for the same reasons as discussed in claim 1 and the machine language program recorded on a recording medium disclosed in page 43, paragraph #0812.

The computer-readable recording medium claim 38 is rejected for the same reasons as discussed in claim 17 and the machine language program recorded on a recording medium disclosed in page 43, paragraph #0812.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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4. Claims 2-3, 12-13, 24-25, and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al (US 2004/0264947 A1) in view of Ito et al (US 6,377,309 B1).

Regarding claim 2, Okada et al discloses an image processing apparatus as discussed in claim 1 above except for providing the claimed wherein the digital data stream includes a data stream coded by digital television MPEG4 scheme, and has main data and sub-data, the main data includes data having a plurality of objects divided in units of predetermined objects, and the sub-data includes attribute information of the object.

Ito et al teaches digital TV broadcast format having MPEG2 and MPEG4 wherein MPEG4 has main data and sub-data, the main data includes data having a plurality of objects divided in units of predetermined objects, and the sub-data includes attribute information of the object (col. 3, lines 55 to col. 4, line 28).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the capability of encoding the video, audio, and sub information of Okada et al in a manner as taught by Ito et al in order to increase the transmission efficiency because MPEG4 has very high transmission efficiency (col. 3, lines 45-48 of Ito et al).

Regarding claim 3, Ito et al discloses the claimed wherein the digital data stream includes a digital television data stream containing an object coded by an MPEG 4 scheme and the sub-data multiplexed on an MPEG2 bitstream (col. 14, lines 48-52).

Claims 12-13 are rejected for the same reasons as discussed in claims 2-3 above, respectively.

Apparatus claims 24-25 are rejected for the same reasons as discussed in method claims 2-3 above, respectively.

Apparatus claim 34-35 are rejected for the same reasons as discussed in method claims 2-3 above, respectively.

5. Claims 6, 10, 16, 21, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al (US 2004/0264947 A1) in view of Imai et al (US 6,744,968 B1).

Regarding claim 6, Okada discloses all the claimed limitations as discussed in claim 1 above except for providing the claimed timepiece means for measuring current time and said reproducing means replaces the object by another display based on time measurement by said timepiece means in reproducing the object having the predetermined attribute.

Imai et al teaches an editing system having editor window 40 having a current time area 41 for displaying the current time and the editing is performed based on the current time (col. 8, lines 4-17; col. 12, lines 36-45, and col. 13, lines 12-19).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the editor window as taught by Imai et al into Okada et al's system in order to facilitate the editing of the video signal.

Claim 10 is rejected for the same reasons as discussed in claim 6 above.

Claim 16 is rejected for the same reasons as discussed in claim 6 above.

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Regarding claim 21, Imai et al discloses the claimed wherein the reproducing form designated by said designation means includes display of time information obtained in recording the digital data stream (editor window disclosed in col. 12, lines 36-45).

Claim 31 is rejected for the same reasons as discussed in claim 21 above.

6. Claims 22 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al (US 2004/0264947 A1).

Regarding claim 22, Okada discloses all the claimed limitations as discussed in claim 17 above except for the claimed wherein the predetermined attribute includes an emergency news telop.

It is noted that emergency news telop is old and well known in the art and; therefore, Official Notice is taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to transmit the well known emergency news telop with the video signal of Okada et al in order to transmit the necessary emergency information to users.

Claim 32 is rejected for the same reasons as discussed in claim 22 above.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references relate to an apparatus for reproducing video signal.

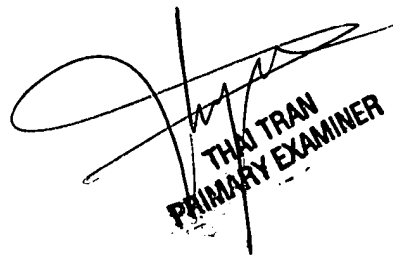
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (571) 272-7382. The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

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The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTQ



THAI TRAN
PRIMARY EXAMINER